

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23651-23750**

Adulteration, Section 402 (a) (1), the article contained an added poisonous substance which may have rendered it injurious to health; Section 402 (a) (2), the article, in three cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; and, in one other case, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents; Section 403 (g) (1), the article purported to be and was represented as food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403 (k), the article contained a preservative, and it failed to bear labeling stating that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

23651. Cakes and pies. (F. D. C. No. 39378. S. Nos. 40-012 M, 40-015 M, 48-849/50 M, 48-853 M, 59-885 M, 59-889/90 M, 59-893 M.)

INFORMATION FILED: 1-22-57, N. Dist. Ill., against Case-Moody Pie Corp., Chicago, Ill., and James Henderson (executive vice president and general manager).

SHIPPED: Between 11-16-55 and 6-29-56, from Illinois to Indiana and Wisconsin.

LABEL IN PART: (Pkg.) "Danish Coffee Cake Hazelnut [or "Date Nut" or "Pecan"] Net Wt. 10 Oz. [or "16 Oz.]," "Tea Room Quality Gold Layer Net Wt. 15 Oz.," or "Chocolate Whip."

CHARGE: 402 (a) (3)—contained insects, insect fragments, and rodent hairs; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 2-18-57. Corporation—\$1,000 fine; individual—\$100 fine.

23652. Bismarcks (bakery product), rolls, cherry pie, and apple pie. (F. D. C. No. 39387. S. Nos. 33-423/5 M.)

INFORMATION FILED: 2-6-57, Dist. Nebr., against Kuenne's Bakery, Inc., Omaha, Nebr., and Richard D. Riddle (president and treasurer).

SHIPPED: 9-4-56, from Nebraska to Iowa.

CHARGE: 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-22-57. Corporation—\$450 fine, plus costs; individual—\$150 fine.

23653. Frozen pizza pies. (F. D. C. No. 39715. S. No. 54-584 M.)

QUANTITY: 475 cases, 12 9-oz. pies each, at Seattle, Wash.

SHIPPED: 6-18-56, from Newark, N. J.

LIBELED: 12-5-56, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained moldy pies while held for sale.

DISPOSITION: 4-15-57. Default—destruction.

23654. Bread crumbs. (F. D. C. No. 38596. S. Nos. 29-478 M, 29-860 M, 29-998 M, 36-710 M, 47-443 M.)

INFORMATION FILED: 4-24-56, Dist. N. J., against Devonsheer Melba Corp., West New York and North Bergen, N. J., Bert Weil, president and secretary, and Frank Pinto, plant manager.

SHIPPED: Between 8-18-55 and 11-25-55, from New Jersey to New York.

LABEL IN PART: (Pkg.) "Bread Crumbs For all type recipes Net Wt. 10 Oz. Avoir. Packed Expressly For H. C. Bohack Co., Inc. * * * Long Island & Brooklyn, N. Y." and "Devonsheer * * * Old English Style Golden Brown Toasted Bread Crumbs * * * Net Weight 10 Oz. Avoir. Manufactured by Devonsheer Melba Corp. West New York, N. J."

CHARGE: 402 (a) (3)—contained insect parts, insect larvae, and rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty by Corporation and Frank Pinto; nolo contendere by Bert Weil.

DISPOSITION: 6-8-56. Corporation fined \$1,000; Frank Pinto, \$500; and Bert Weil, \$1,000, and placed on probation for 1 year.

FLOUR*

23655. Flour. (F. D. C. No. 39405. S. Nos. 61-663/4 M.)

INFORMATION FILED: 2-26-57, S. Dist. W. Va., against Kincaid Wholesale Co., a corporation, Spencer, W. Va., and James T. Kincaid, president.

ALLEGED VIOLATION: Between 8-14-56 and 10-9-56, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

*See also No. 23677.